



LEVENTHAL SENTER & LERMAN PLLC

December 14, 2007

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Consideration of the Newspaper-Broadcast Cross-Ownership Rule
MB Docket No. 06-121**

Dear Ms. Dortch:

This letter is submitted on behalf of Journal Communications, Inc. with respect to the Commission's review of the newspaper/broadcast cross-ownership rule as part of its review of broadcast ownership rules. On November 13, 2007, Chairman Martin issued a proposal to make limited changes to the NBCO Rule to permit cross ownership of only one newspaper and one television or radio station in the twenty largest Nielsen DMA's under certain circumstances. The Commission requested comments on the Chairman's proposal. Journal is submitting this letter to support the numerous commenters that have called for the NBCO Rule's total elimination.¹ Further, Journal supports those commenters that have recommended that, to the extent the Commission adopts a more limited modification of the NBCO Rule, it should retain the grandfathered status for newspaper/broadcast cross-owned combinations that were granted such status upon adoption of the NBCO Rule in 1975.²

Journal has a grandfathered group of cross-owned properties in Milwaukee, Wisconsin that has resulted in myriad synergies and public interest benefits. The *Milwaukee Journal*, then called *The Daily Journal*, began publishing in 1891. Journal is also the owner of broadcast stations WTMJ(AM), which it acquired in 1927, WTMJ-TV, which signed on in 1947, and WKTI-FM, which began broadcasting in 1959. Thus, Journal's cross-owned media combination has benefited the Milwaukee community for 80 years.

As Tribune Company noted in its recent comments in the above-referenced proceeding, when the Commission adopted the NBCO Rule in 1975, it did not require divestiture of many existing cross-owned combinations, in part due to their "long record of public service."³ Media

¹ See, e.g., Comments of Bonneville International Corporation, 1; Comments of Gannett Co., Inc., 8; Comments of Media General, Inc., 17 ("Media General"); Comments of the Newspaper Association of America on Kevin J. Martin's Proposed Revision to the Newspaper/Broadcast Cross-Ownership Rule, 2; Comments of News Corporation and Fox Television Stations, Inc., 12; Further Comments of Tribune Company on Proposed Revisions to the Newspaper-Broadcast Cross-Ownership Rule, 15 ("Tribune").

² See Media General, at 17; Tribune, at 10.

³ Tribune, at 10.



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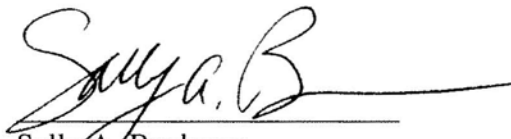
General further argued that it would be “arbitrary and capricious and otherwise contrary to law” for the Commission to determine that the grandfathered combinations, which were found acceptable in 1975, should now lose that status.⁴

In adopting its grandfathering standards, the Commission found that requiring divestiture of certain cross-owned combinations could result in disruption and diminution of service to the public.⁵ Those same disruptions and reduction of service would occur today if the long-standing grandfathered status is terminated.

Moreover, the Commission recently granted a permanent cross-ownership waiver to the Tribune Company with regard to its nearly 60 year owned combination of WGN-TV, WGN(AM) and the *Chicago Tribune*.⁶ In doing so, the Commission differentiated that combination from Tribune’s other cross-owned combinations by virtue of the fact that the Chicago combination was not prohibited at the time it was created.⁷ This recent precedent underscores the need for the Commission to retain the grandfathered status for other cross-owned combinations that existed prior to adoption of the NBCO Rule. The loss of grandfathered status to the currently allowed cross-owned combinations would have detrimental effects not just on the media entities that own them, but on the communities that these combinations serve.

Respectfully submitted,

JOURNAL COMMUNICATIONS, INC.



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⁴ Media General, at 17.

⁵ *Amendment of Sections 73.34, 73.240, and 73.636 of the Commission’s Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations*, 50 FCC 2d 1046, 1080 (1975) (requiring divestiture in only “the most egregious cases” of concentrated ownership).

⁶ *In the Matter of Shareholders of Tribune Company*, FCC 07-211.

⁷ *Id.* at ¶ 34



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cc: Chairman Kevin Martin, FCC
Commissioner Michael J. Copps, FCC
Commissioner Jonathan S. Adelstein, FCC
Commissioner Deborah Taylor Tate, FCC
Commissioner Robert M. McDowell, FCC